

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHARLES CHUBB,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:06-cv-0016

CRIM. NO. 2:92-cr-009(1)

JUDGE SMITH

MAGISTRATE JUDGE KEMP

OPINION AND ORDER

On January 23, 2006, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings, recommending that the instant motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 be transferred to the United States Court of Appeals for the Sixth Circuit as a successive petition.

Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This instant §2255 petition is hereby **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a successive petition.

IT IS SO ORDERED.

\s\ George C. Smith
GEORGE C. SMITH
United States District Judge